

FINANCE DEPARTMENT

(LOTTERIES)

The 9th June, 1970

No. DOL/HR/70/6997-A. -The Governor of Haryana is pleased to appoint the following persons as judges for the supervision of the Seventh Draw of Haryana State Lotteries to be held on 10th June, 1970 :—

1. Shri H. C. Malik, I. A. & A. S. Examiner, Local Fund Accounts, Haryana.
2. Shri R. N. Chona, Kothi No. 72, Sector 9, Chandigarh.
3. Shri H. S. Achreja, I. A. S. (Retd.), Kothi No. 311, Sector 9-A, Chandigarh.
4. S. Bahadur Balwant Singh, Retired Chief Engineer, Sector 15-A, Chandigarh.
5. Shri S. R. Maini, I. A. S. (Retd.), Sector 9, Chandigarh.
6. Shri S. R. Kulra, Manager, National Insurance Company, Sector 17, Chandigarh.

J. R. DHINGRA,

Director of Lotteries-cum-
Deputy Secretary to Government, Haryana.
Finance (Lotteries) Department.

LABOUR DEPARTMENT

The 5th June, 1970

No. 5013-ILab-70/16951. -In pursuance of the provisions of Section 17 of the Industrial Disputes Act, 1947 (Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Industrial Tribunal, Haryana, Faridabad, in respect of the dispute between the workmen and the management of M/s Marwaha Industries, Faridabad.

BEFORE SHRI P. N. THUKRAL, PRESIDING OFFICER, INDUSTRIAL TRIBUNAL, HARYANA,
FARIDABAD.

Reference No. 74 of 1969.

between

Shri Man Singh workmen and the management of M/s Marwaha Industries, Faridabad.

Present—

Shri H. L. Kapoor, for the workman.

Shri K. G. Marwaha, for the management.

AWARD

Shri Man Singh was in the service of M/s Marwaha Industries, Faridabad. His services were terminated and this gave rise to an industrial dispute. Accordingly the Governor of Haryana, in exercise of the powers, conferred by clause (d) of sub-section (1) of Section 10 of the Industrial Disputes Act, 1947, referred the following dispute to this Tribunal, for adjudication, —*vide* Government Gazette notification No. 1D/PD/456-A/29807, dated 7th November, 1969.

Whether the termination of services of Shri Man Singh was justified and is order. If not, to what relief is he entitled?

On receipt of the reference usual notices were issued to the parties in response to which a statement of claim was filed on behalf of the workmen. The management did not appear in spite of personal service. The workman was therefore directed to produce ex-parte evidence in support of his case. As many as five adjournments have been given to the workman to produce his evidence but he has failed to do so. In the mean time an application has been received on behalf of the management for setting aside the ex-parte proceedings. Shri H. L. Kapoor has appeared today on behalf of the workman and Shri K. D. Marwaha is present on behalf of the management. Shri Kapoor has prayed for adjournment on the ground that he had received telephonic message that the workman is ill. No medical certificate in support of his

illness has been filed. As already observed as many as five adjournment have already been granted to enable the workman to produce his evidence. I find absolutely no reason to grant any further adjournment. Since the workman has failed to produce any evidence in support of his allegation, it can not be held that the termination of his services was not justified and in order. He is not entitled to any relief. I give my award accordingly.

No order as to cost.

Dated, 1st June, 1970.

P. N. THUKRAL,
Presiding Officer,
Industrial Tribunal, Haryana,
Faridabad.

No. 963, dated 2nd June, 1970

Forwarded (four copies) to the Secretary to Government, Haryana, Labour and Employment Departments, Chandigarh, as required under Section 15 of the Industrial Disputes Act, 1947.

Dated 1st June, 1970.

P. N. THUKRAL,
Presiding Officer,
Industrial Tribunal, Haryana,
Faridabad.

No. 5011-ILab-70/16953.—In pursuance of the provision of Section 17 of the Industrial Disputes Act, 1947 (Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Industrial Tribunal, Haryana, Faridabad, in respect of the dispute between the workmen and the management of M/s Endee Woollen & Silk Mills (P) Ltd., Faridabad :—

BEFORE SHRI P. N. THUKRAL, PRESIDING OFFICER, INDUSTRIAL TRIBUNAL,
HARYANA, FARIDABAD.

Reference No. 81 of 1970

between

SHRI VIJAY BAHADUR, WORKMAN AND THE MANAGEMENT OF M/S ENDEE
WOOLLEN & SILK MILLS (P) LTD., FARIDABAD

Present :—

Shri Vijay Bahadur, concerned workman.

Shri S. L. Gupta, for the management.

AWARD

Shri Vijay Bahadur was in the service of M/s Endee Woollen & Silk Mills (P) Ltd; Faridabad. His services were terminated and this gave rise to an industrial dispute. Accordingly the Governor of Haryana in exercise of the powers conferred by clause (b) of sub-section (1) of Section 10 of the Industrial Disputes Act, 1947, referred the following dispute to this Tribunal for adjudication,—vide Government Gazette notification No.ID/FD/382B/11336, dated 17th April, 1970.

Whether the termination of services of Shri Vijay Bahadur was justified and in order? If not, to what relief is he entitled?

On receipt of the reference usual notices were issued to the parties. The workman was directed to file his statement of claim on 8th May, 1970 with an advance copy to the management who were required to file their written statement on 19th May, 1970. The case was fixed for framing of issues on 19th May, 1970. Neither parties complied with the order of the Court regarding filing of the claim statement or the submission of the written statement. No party also appeared on 19th May, 1970 which was fixed for framing of the issues. In the interest of justice an other opportunity was given to them and it was ordered that they should appear in the Court on 6th June, 1970. On 25th May, 1970 the workman Shri Vijay Bahadur appeared and made an application that the dispute with the management has been compromised and his statement may be recorded. Shri S. L. Gupta who represents the management was also with him. Accordingly the statement of the workman has been recorded. He has stated that he has received the amount due to him from the management and he has now no dispute with them. He has stated that he does not want reinstatement.

Since the workman is not interested in pursuing his claim and does not wish to produce any evidence in support of his allegations, it must be held that the termination of his services can not be paid to be unjustified. I give my award accordingly. No order as to cost.

Dated the 1st June, 1970.

P. N. THUKRAL,
Presiding Officer,
Industrial Tribunal, Haryana,
Faridabad.

No. 966, dated 2nd June, 1970.

Forwarded (four copies) to the Secretary to Government, Haryana, Labour and Employment Departments, Chandigarh as required under section 15 of the Industrial Disputes Act, 1947.

Dated the 1st June, 1970.

P. N. THUKRAL,
Presiding Officer,
Industrial Tribunal, Haryana,
Faridabad.

The 10th June, 1970

No. 5047-ILab-70/17081.—In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947 (Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Industrial Tribunal, Haryana, Faridabad in respect of the dispute between the workmen and the management of M/s Frick India Limited, Faridabad.

BEFORE SHRI P.N. THUKRAL, PRESIDING OFFICER, INDUSTRIAL TRIBUNAL,
HARYANA, FARIDABAD

Reference No. 57 of 1969

between

THE WORKMEN AND THE MANAGEMENT OF M/S FRICK INDIA LIMITED, FARIDABAD.

Present.—

Nemo for the workmen.

Dr. Anand Parkash. for the management.

AWARD

The workmen of M/s Frick India Limited, Faridabad through the General Labour Union served a notice of demands on the management claiming bonus at the rate of 20 % from the year 1965-66 to the year 1968-69. They also demanded that their grades of pay should be fixed. There were some other demands with regard to enhanced dearness allowance, uniform and holidays, etc. The demands of the workmen were not accepted by the management and this gave rise to an industrial dispute. The Governor of Haryana, in exercise of the powers conferred by clause (d) of sub-section (1) of Section 10 of the Industrial Disputes Act, 1947, referred the following two demands to this Tribunal for adjudication.—*vide* Government Gazette notification No. ID/FD/324B/28184, dated 14th October, 1969.

1. Whether the workmen are entitled to the enhanced rate of bonus for the year 1967 and 1968. If so, with what details ?
2. Whether grade and scales of the workmen should be fixed. If so, with what details and from which date ?

On receipt of the reference usual notices were issued to the parties in response to which a statement of claim was filed on behalf of the workmen. No body appeared on behalf of the management on the date fixed. Accordingly the workmen were directed to produce ex-parte evidence in support of two demands which had been referred to this Tribunal for adjudication. Subsequently the management appeared and made an application that the dispute between the parties has been amicably settled and prayed that an award may be given as per settlement between the parties. Notice of this application was given to the representative of the workmen. Previously Shri Roshan Lal, President of the General Labour Union used to appear in this case on behalf of the workmen but then instead of Shri Roshan Lal, Shri Krishan Lal appeared. no reply to the application of the management was filed.

Shri Krishan Lal stated that Shri Roshan Lal was ill and therefore no reply could be filed. There was no justification for granting an adjournment for the purpose because Shri Krishan Lal was appearing on behalf of the workmen and he could have filed the reply. The following issue was framed in order to dispose of the application of the management

"Whether the dispute has been settled as per terms of the settlement copy of which has been filed and if so whether it is a fair and proper settlement?"

An opportunity was given to the parties to produce their evidence. Since the settlement was made before Shri Ram Sarup, Labour-cum-Conciliation Officer, the management produced the officer concerned and the settlement in question marked Ex. MW. 1/1 is duly proved. Shri Raghbir Singh Wallia, Head Clerk of the office of the Labour-cum-Conciliation Officer had attested the settlement. He too was examined as M.W. 2. Shri U.N. Misra, President of the Frick India Employees Union and Shri Ujjagar Singh workman in the respondent concern who were responsible for bringing about the settlement have also been examined as M.W. 3 and M.W. 4 and they have also proved the settlement. Both these witnesses state that the settlement was signed by Shri Roshan Lal Sharma as well. In rebuttal no evidence has been produced on behalf of the General Labour Union although as many as three opportunities have been given to them. The last date fixed for their evidence was 22nd May, 1970. On that date no body appeared on behalf of the General Labour Union. Subsequently an application, dated 26th May, 1970 was received in which it was stated that the union was under the impression that the date fixed was 25th May, 1970 and for this reason no body appeared in the Court on 22nd May, 1970. It was therefore prayed that further time be given to them to produce their evidence. In my opinion there is absolutely no justification for granting any further time. The management are relying upon a settlement which has been duly approved by the evidence of the Labour-cum-Conciliation Officer, Shri Wallia an attesting witness and also by the evidence of the President of the Frick India Employees Union and Shri Ujjagar Singh a workman. The General Labour Union has so far taken up no definite stand with regard to the factum or validity of the settlement set up by the management although time was given to them to file their written reply. As already pointed out the settlement bears the signatures of Shri Roshan Lal Sharma, President of the General Labour Union. Shri Sharma has neither admitted nor denied his signatures. Under these circumstances I am of the opinion that no useful purpose would be served by granting any further adjournment. In my opinion it is satisfactorily established that the workmen of the respondent concern have entered into a settlement which is duly approved and the reference should be decided in accordance with the settlement arrived at between the parties if it is found to be fair and reasonable.

With regard to item No. 1 of the reference it has been agreed that the workmen should be paid *ad hoc* increase of Rs. 15 per month in their wages with effect from 1st November, 1969. Shri N.M. Vijayan, Time office Incharge in the respondent concern has made a statement that there is no available surplus with the management on the basis of which enhanced bonus can be distributed to the workmen. He has stated that previously bonus at the rate of 4 per cent was paid to the workmen but now under the terms of the settlement it has been agreed to give them bonus at the rate of 6%. Coupled with the decision that an *ad hoc* increase of Rs. 15 per month in the wages of the workmen has been given and the rate of bonus too has increased, I am of the opinion that this is a reasonable and fair settlement. I accordingly decide that the workmen are entitled to bonus at the rate of 6% as per terms of settlement.

As regards item No. 2 of the reference Shri N.M. Vijayan has stated that the financial condition of the respondent company is very poor and if any grades and scales of the workmen are fixed at this stage then company would not be able to bear the increase additional financial burden which would necessarily be imposed upon it. It appears that the workmen too have accepted this position of the management and in the settlement this demand has been specifically given up. I am therefore of the opinion that in view of the settlement arrived at between the parties, no grades and scales of pay should be fixed for the present. I give my award accordingly. No order as to cost.

Dated 1st June, 1970

P. N. THUKRAL,
Presiding Officer,
Industrial Tribunal, Haryana
Faridabad.

No. 971, dated 3rd June, 1970.

Forwarded (four copies) to the Secretary to Government, Haryana, Labour and Employment Departments, Chandigarh, as required under Section 15 of the Industrial Disputes Act, 1947.

Dated 1st June, 1970.

P. N. THUKRAL,
Presiding Officer,
Industrial Tribunal, Haryana,
Faridabad.

No. 5012-ILab-70/17248.—In pursuance of the provisions of Section 17 of the Industrial Disputes Act, 1947 (Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Industrial Tribunal, Haryana, Faridabad in respect of the dispute between the workmen and the management of M/s Elofic Industries (India), Faridabad.

BEFORE SHRI P.N. THUKRAL, PRESIDING OFFICER, INDUSTRIAL TRIBUNAL,
HARYANA, FARIDABAD

Reference No. 170 of 1969

*between*SHRI GARISH NANDAN, WORKMAN AND THE MANAGEMENT OF M/S BLOFF INDUSTRIES
(INDIA), FARIDABAD*Present.* Shri Amar Singh, for the workman.

Nemo, for the management.

AWARD

Shri Garish Nandan was in the service of M/s Bloff Industries (India) Faridabad. His services were terminated and this gave rise to an industrial dispute. Accordingly the Governor of Haryana in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947, referred the following dispute to this Tribunal, for adjudication, *vide* GOVERNMENT GAZETTE NOTIFICATION No. ID/FD/85-A/2028, dated 27th January, 1970.

Whether termination of services of Shri Garish Nandan was justified and in order. If not to what relief is he entitled?"

On receipt of the reference usual notices were issued to the parties in response to which a statement of claim was filed on behalf of the workman and the management filed their written statement through their Labour Law Advisor Shri S. L. Gupta. It was pleaded on their behalf that Shri Garish Nandan was employed as a temporary helper with effect from 1st February, 1969 only for a specific period of 9 months but the workman did not even complete this period and he started absenting himself from duty with effect from 8th September, 1969. It is alleged that the management repeatedly sent letters to the workman asking him to report for duty but the workman did not comply. It is further pleaded that the workman is gainfully employed elsewhere. The pleadings of the parties gave rise to the following issues :-

- (1) Whether the claimant was employed by the respondent management as temporary helper for 9 months only?
- (2) Whether the claimant absented from duty with effect from 8th September, 1969?
- (3) Whether the claimant is gainfully employed?

The case was adjourned to 4th May, 1970, to enable the parties to produce their evidence. Shri S. L. Gupta who represented the management was present and he made a statement that his evidence was not ready and he requested for date. He did not give any reason for not producing his evidence on the date fix. However in the interests of justice an adjournment was given to him on payment of Rs. 20 as costs and the case was adjourned to 23rd May, 1970. On the date fixed no body appeared on behalf of the management nor the costs were paid. The ex-parte evidence of the workman was there-after recorded. Shri Garish Nandan workman has appeared as his own witness and he has stated on oath that he joined the service of the respondent on 18th November, 1968 and the management terminated his services without disclosing to him any reason what so ever for terminating his services. He states that no fault was ever found in his work. He further states that he is not gainfully employed elsewhere.

Since the management has not led any evidence in support of their allegations, there is no reason to disbelieve the version of the workman. In my opinion the termination of his services is not proved to be justified and he is entitled to be reinstated with continuity of service and full back wages. I give my award accordingly.

P. N. THUKRAL

Presiding Officer,
Industrial Tribunal, Haryana,
Faridabad.

Date: 1st June, 1970

No. 967, dated 2nd June, 1970

Forwarded (four copies) to the Secretary to Government Haryana, Labour and Employment Departments, Chandigarh, as required under section 15 of the Industrial Disputes Act, 1947.

P. N. THUKRAL

Presiding Officer,
Industrial Tribunal, Haryana,
Faridabad.

Dated: 1st June, 1970